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PATENT
Docket No.: 018158-018610US
Client Ref. No.: VX-1137 US

TOWNSEND and TOWNSEND and CREW LLP

By: /Nina L. McNeill/
Nina L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LAWRENCE W. STARK et al.

Application No.: 10/006,992

Filed: December 6, 2001

For: DIRECT WAVEFRONT-BASED
CORNEAL ABLATION TREATMENT
PROGRAM

Confirmation No.: 1090

Examiner: Shay, David M.

Art Unit: 3739

STATEMENT OF SUBSTANCE
OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with MPEP §713.04, Applicants provide herein a complete written statement as to the substance of the October 19, 2006 telephone interview.

1. The participants were Examiner David Shay and Applicant's undersigned representative Nathan Cassell.
2. No exhibits were shown or demonstrations conducted.
3. The following cited references were discussed.
 - a. U.S. Patent No. 6,563,105 to Siebel et al.
 - b. U.S. Patent No. 6,486,943 to Burns et al.
 - c. U.S. Patent No. 6,280,435 to Odrich et al.
4. The §101 rejection of claims 18-20 and 36-42 was discussed. The §103 rejection of claims 18-20 and 36-42 was also discussed.

5. Applicants argued that the current §101 rejection is improperly applied. The Examiner indicated he would consider this argument, but no agreement was reached so as to result in the withdrawal of the rejection. Applicants also argued that the current §103 rejection is improperly applied for reasons set forth in the Appeal Brief filed March 21, 2006. The Examiner disagreed, but indicated he would reconsider the rejection if Applicants submitted further claim amendments. No agreement was reached so as to result in the withdrawal of the rejection.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .

Respectfully submitted,

/Nathan S. Cassell/

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